

OFFICIAL
RECEIVED
CENTRAL FAX CENTER
AUG 24 2004

001

BROWN RAYSMAN

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

FACSIMILE COVER SHEET

From: Robert M. Bauer, Esq. **Date:** August 24, 2004
Direct Dial: 212-895-2630 **Client/Matter #:** 6173/13US

PLEASE DELIVER AS SOON AS POSSIBLE TO:

Recipient	Company	Fax No.	Phone No.
1.	USPTO	703 872 9306	

Total number of pages including this page: **4**
If you do not receive all the pages, please call **212-895-2984**.

Applicant(s): Stefano FACCIN, et al.
Application No.: 09/577,152
Filing Date: May 24, 2000
Title: SENDING A CHARGING IDENTIFICATION IN A MOBILE NETWORK
Art Unit: 2684
Examiner: John J. Lee

Please find enclosed: **REQUEST FOR COMPLETE OFFICE ACTION**

Docket No. 6173-13US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stefano FACCIN, et al.

Application No.: 09/577,152

Filing Date: May 24, 2000

Title: SENDING A CHARGING IDENTIFICATION IN
A MOBILE NETWORK

Art Unit: 2684

Examiner: John J. Lee

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

August 24, 2004

RECEIVED
CENTRAL FAX CENTER
AUG 24 2004
OFFICIAL**REQUEST FOR COMPLETE OFFICE ACTION**

Sir:

Applicants gratefully acknowledge the second Office Action dated July 7, 2004. It is respectfully submitted that the second Office Action is incomplete because it applies a reference without responding to the argument made by applicants against that same reference in their Response to the first Office Action. Applicants therefore request that the second Office Action be corrected or supplemented to include a proper response to the previous arguments against the reference.

Docket No. 6173-13US

Background

In the first Office Action dated January 16, 2004, some of the claims were rejected based, in part, on U.S. Patent No. 6,621,793 issued to Widegren et al. In the Response to the first Office Action filed on April 16, 2004, applicants argued that Widegren et al was not prior art.

The second Office Action still relies upon the Widegren et al patent as a secondary reference in an obviousness rejection. It does not address applicants' argument. Despite having specifically argued that Widegren et al is not prior art, applicants are left at a loss about why this reference is still being applied. For example, applicants do not know whether the reliance upon Widegren et al is an oversight or if the Examiner for some reason believes that Widegren et al is prior art.

Remarks

MPEP 707.07(f) entitled "Answer All Material Traversed" states that "[w]here the requirements are traversed . . . , the examiner should make proper reference thereto in his or her action on the amendment" and that the Examiner should "take note of the applicants' argument and answer the substance of it." Even where there are new grounds of rejection, the examiner "must, however, address any arguments presented by the applicant which are still relevant to any reference being applied." As explained above, the second Office Action makes no reference to applicants' argument against Widegren et al and does not answer the substance of it. The availability of Widegren et al as prior art against this patent application is still relevant because the reference is still being applied in an obviousness rejection.

Docket No. 6173-13US

Applicants therefore respectfully submit that the Office Action is incomplete for this reason and requests that the Office Action be supplemented or corrected to address the above argument. Applicants also request that the period for response be restarted from the mailing date of any such supplemental or corrected Office Action. See MPEP 710.06.

Respectfully submitted,



Robert M. Bauer, Registration No. 34,487
BROWN RAYSMAN MILLSTEIN
FELDER & STEINER, LLP
900 Third Avenue
New York, NY 10022
Tel.: 212-895-2000
Fax.: 212-895-2900